

JPA No.: 04-071I
AG Contract No.: KR05-0149TRN
Amendment No. 1
Project No.: TEA 077-B (001) A
Project: Main Street
Section: SR 77
TRACS No.: H633201C
Budget Source Item No.: 75307

**AMENDMENT NO. 1
TO
INTERGOVERNMENTAL AGREEMENT**

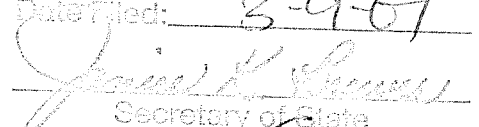

BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF TAYLOR

THIS AGREEMENT is entered into this date March 9, 2007, Amendment No. 1 to JPA No. 04-071, A.G. Contract No.: KR05-0149TRN, filed with the Secretary of State under No. 27435, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF TAYLOR, acting by and through its MAYOR and TOWN COUNCIL (the "Town"). The State and the Town are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 and to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The Town is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the Town.

THE PURPOSE OF THIS AGREEMENT is to increase the Project funding in the amount of \$125,000.00 due to the increase of construction costs, for a total amount of approximately \$975,000.00 for a new sidewalk along (SR) 77.

NO. 27435
Filed with the Secretary of State
Date Filed: 3-9-07

Secretary of State
By: 

THEREFORE, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

Construction TRACS No. H6632 01C

Estimated Construction Cost	\$975,000.00
Estimated Federal Aid Funds @ 94.3%	\$801,550.00
Estimated State Funds @ 5.7%	\$ 48,450.00
Town of Taylor maximum payment	\$125,000.00

Total Estimated Design & Construction Costs: \$975,000.00

II. SCOPE OF WORK

Article II, Paragraph

1. The State shall:

Add paragraph (f) to the following language:

f. Upon completion of the Project, if necessary, invoice or reimburse the Town any amounts above the City's estimated deposit of \$125,000.00.

Article II, Paragraph

2. The Town shall:

Add paragraph (g) to the following language:

g. Prior to bid being awarded and upon notification and receipt of an invoice from the State, remit \$125,000.00 of the estimated amount for the Project.


EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amended Agreement the day and year first above written.

TOWN OF TAYLOR

STATE OF ARIZONA

Department of Transportation

By 
JAY WHIPPLE
Mayor

By 
SAM MAROUFKHANI, P.E.
Deputy State Engineer, Development

ATTEST:

By 
KELLY JONES
Clerk

APPROVAL OF MINUTES: January 24, 2007 Public Hearing and Council Meeting. Motion was made by Councilman Yarn, seconded by Vice Mayor Cole to accept the minutes of January 24, 2007 public hearing and council meeting as written. Motion carried (vote 5-0).

OLD BUSINESS:

CONSIDERATION AND POSSIBLE APPROVAL: Amendment #1 to Intergovernmental Agreement Between State of Arizona and Town of Taylor for Improvements to SR77: Mr. Sturgell reported that the council previously approved a maximum of \$125,000 of HURF funds to complete the enhancement project on the west side of SR 77 from Paper Mill Road north to the Town limits. The attached amendment #1 spells out the maximum of \$125,000 Town contribution for the project and state we will submit funds to the State before the bid is awarded. Mr. Sturgell added that it is his understanding that the project is to be bid at any time. Motion was made by Vice Mayor Cole seconded by Councilman Yarn to authorize Mayor Whipple to sign the IGA with the State of Arizona as presented. Motion carried (vote 5-0).

CONSIDERATION AND POSSIBLE APPROVAL: Ordinance No. 102 Extending and Increasing the Corporate Limits of the Town of Taylor, Navajo County, State of Arizona, Pursuant to the Provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and Amendments Thereto, by Annexing Thereto Certain Territory Contiguous to the Existing Town Limits of the town of Taylor – Solomon's Manor: Mr. Sturgell reported noted that the ordinance, copy of the annexation petition signed by all property owners in the area, copy of the plan of service for the area required by Section 9-471 of State Statutes, articles from Arizona Water Resources magazine discussing City of Page work in annexing bureau of Reclamation, National Park Service and Navajo Nation land which has no "Potential for friction" between Town and forest Service that federal issue is mute in our case and a copy of the letter from White Mountain Lake Fire District opposing the annexation are provided in the packets. Mr. Sturgell went on to say that section 48-813 of State Statute indicates the land becomes unattached to the fire district upon the next July 1 after annexation. It is believed there are no homes currently in this area. Councilman Birtcher asked if there were any financial increase cost based on the fire districts objection. Mr. Sturgell replied it would be a very minimal amount if any. Motion was made by Councilman Yarn seconded by Councilman Gibson to approve Ordinance No. 102 Extending and Increasing the Corporate Limits of the Town of Taylor, Navajo County, State of Arizona, Pursuant to the Provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and Amendments Thereto, by Annexing Thereto Certain Territory Contiguous to the Existing Town Limits of the town of Taylor – Solomon's Manor. Councilman Birtcher asked if the Forest Service objection was taken care of. Mr. Sturgell replied it was. Motion carried (vote 5-0)

NEW BUSINESS:

CONSIDERATION AND POSSIBLE APPROVAL: Presentation from Representatives of SunCor Development Company on Ranch Communities of America Development: Jim Adair of SunCor Development made a presentation to the council providing SunCor's background and projects they are currently working on or just completed. He stated the company's objective is to provide a high quality of life with open space. They try to match and adopt older architecture of the area to the


ATTORNEY APPROVAL FORM FOR THE TOWN OF TAYLOR

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the Town, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 14th day of February, 2007


Town Attorney

<p>TERRY GODDARD Attorney General</p>	<p> OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR05-0149TRN (**JPA 04-071-I, Amendment No. 1**), an Agreement between public agencies, i.e., The State of Arizona and The Town of Taylor, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: March 5, 2007

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:1002571
Attachment